

SUBDIVISION MEETING
October 25, 2001

Chair Karolin Loendorf called the meeting to order at 9:00 a.m. Commissioners Murray and Varone were present. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Frank Rives, Michael McHugh, Kelly Blake, Jeff Claassen, Mark Mackin, Dean Retz, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge of allegiance.

Minutes. There were no minutes to approve.

Proposed Minor Subdivision, Summary Review, Awesome Views Minor. (Cont. from 10-23-01). Commissioner Varone moved that the Commission approve the proposed subdivision subject to 13 conditions as recommended by staff. The motion died for the lack of a second.

Commissioner Murray moved that the proposed subdivision be denied. Commissioner Loendorf seconded the motion.

Commissioner Murray stated that he believes county staff should have done a LESA in this area and should have paid more attention to agriculture. He further stated this is highly productive farmland in the Helena Valley.

Commissioner Varone stated she read all the information and understands the reluctance to pass this applicant's request, however, the applicant has complied with everything. There is no special zoning district currently. The folks in that area began the process two years ago, but have not completed it.

Commissioner Murray reminded the Commission that because the comprehensive plan or the growth document was in a state of flux it told neighborhoods to wait on neighborhood plans. I believe that the Findings of Fact and Conclusions will support a non-approval for this particular subdivision.

Without objection, the Commission included the two survey documents as a tabulation document, as well as the original survey done. Commissioner Loendorf seconded the motion. Commissioner Varone opposed the motion. The motion carried 2-1.

Amendments to the Findings of Fact and Conclusions of Law:

Commissioner Murray moved that the conclusion 2 be changed to this proposal would have limited, not be removed and significant be removed and this proposal would have limited adverse effects on local services. Commissioner Loendorf seconded the motion.

Ron Alles. To clarify conclusion 2, you are taking out not significant and add limited in place of significant.

Commissioner Murray stated that is correct. And the reason for my change is 2.b. dealing with the soil mapping unit and 2.h. the students being bused at taxpayer's expense. The cost is only two additional students.

The motion to approve the amended changes carried 2-1. Commissioner Varone opposed the motion.

Commissioner Murray moved that conclusion 4 be changed. Although no threatened or endangered species or habitats were identified, this is a known area for bald eagle migration, I would propose to add 2.c area located on flyway of migratory birds, including pelicans, California gulls, various species of ducks, geese, eagles. Commissioner Loendorf seconded the motion.

For clarification, Commissioner Murray stated this proposal would have adverse effects on wildlife and habitat. The motion carried 2-1. Commissioner Varone opposed the motion.

Commissioner Murray moved that the Commission adopt the amended Findings of Fact and Conclusions of Law. Commissioner Loendorf seconded the motion. The motion carried 2-1. Commissioner Varone opposed the motion.

Contract and Encroachment Agreement. The Commissioners will consider the agreement with Mike and Theresa King to install a chain link fence within the right-of-way of Joslyn Street for property described as Lots 29, 30, 31 and 32, of Block 175, of the Wallace Subdivision Syndicate Addition and located within the SE1/4 of Section 23, T10N, R4W and the address of 1994 Cannon Street.

Kelly Blake stated the inspection of the property is of no problem as far as public health and safety and no drainage concerns near Joslyn Street. Staff and the County Public Works Department have reviewed the agreement and both have recommended approval.

Commissioner Varone moved that the Commission approve the contract and encroachment agreement and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Final Plat Approval, Subdivision Improvements Agreement and Signatures for the Lake Country Estates Major Subdivision. Michael McHugh reported that all of the conditions of approval have been met except the completion of the installation of an underground storage tank and fire protection and water. There is an improvement agreement of \$946.21 to complete that work. All the taxes have been paid. Staff recommended signature of final plat and approval of the subdivision improvements agreement. Commissioner Murray moved that the Commission sign the final plat and authorized the

Chair to sign the subdivision improvements agreement. Commissioner Varone seconded the motion and it carried unanimously.

Health Department Contract. Ron Alles reported this contract with DPHHS is a renewal of the lead education program. The amount of the contract is \$4,000. Both the Board of Health and staff recommended approval. Commissioner Murray moved that the Commission approve the agreement and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Gravel Contract. Ron Alles reported this gravel contract is with James and Sylvia Johnson and provides for removal of up to 10,000 cubic yards of gravel located near Lincoln. Staff recommended approval. Commissioner Varone moved that the Commission approve the gravel contract and authorize the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Entranco Contract. Ron Alles reported this contract is to perform a preliminary engineering report for TSEP bridge improvements and was previously approved by the Commission. By consensus, the commission agreed to sign the contract.

Labor contracts. Sheila Cozzie reported that the Sheriff's Department Union contract has been signed.

Differential Pay. Sheila Cozzie reported on the 5% differential pay to the Laundry/ Housekeeping Supervisor at the Cooney Convalescent Home. Commissioner Murray moved that the Commission approve the 5% differential pay as recommended by the Personnel Officer. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Establishing LCC as a First Class County and Setting the Salaries for Certain Elected Officials. Sheila Cozzie presented the resolution for signature. This resolution was previously approved by the Commission.

Resolution Ordering a Refund of Lincoln Solid Waste Fees. (cont. from 10/4/01). Cheryl Green reported that Donald and Kathy Van DeRiet have requested a refund in fees in the amount of \$450.00 for an erroneous assessment. After some discussion, Commissioner Murray moved to table this until November 8. Commissioner Varone seconded the motion and it carried unanimously. (Note: The BoCC approved this 10/30/01.)

Resolution Declaring County Property Surplus. Ron Alles reported this slide in camper was used as an office by the Augusta Solid Waste District and is no longer needed. He suggested putting a "For Sale" sign on it and give someone an opportunity to make an offer to purchase it. Staff recommended approval of the resolution. Commissioner Murray moved to adopt the resolution and authorized the Chair to sign the resolution and accept staff's recommendation. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Declaring County Property Surplus. Ron Alles reported that Commission approved this resolution to declare the 1997 Ford Expedition as surplus when they approved the purchase of the Chevrolet Tahoe. By consensus, the Commission agreed to sign the resolution.

Board Appointments.

Canyon Ferry Fire District. Carole Byrnes reported on a petition for appointment from Bruce Wise as trustee for the Canyon Ferry Fire District. His appointment will fill a vacancy left by Donald Thomas. The term will run until the spring 2002 fire district elections. Commissioner Varone moved that the Commission appoint Bruce E. Wise as Trustee to the Canyon Ferry Fire District. Commissioner Murray seconded the motion and it carried unanimously.

Consolidated Planning Board. Ron Alles reported that the Commissioners appointed Dave Cole to a second term and appointed Steve Mandeville to a first term on the City-County Planning Board.

There being no other business, the meeting adjourned at 9:40 a.m.